

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

ANTHONY WESTBROOK

PLAINTIFF

VS.

NO. 4:13-CV-0415 JMM

DEPUTY CALVIN REED;  
SHERIFF BRUCE PENNINGTON;  
JOHN and JANE DOES 1-V; and  
COUNTY OF SALINE

DEFENDANTS

**DEFENDANTS' STATEMENT OF MATERIAL FACTS  
AS TO WHICH THERE IS NO GENUINE ISSUE TO BE TRIED**

In support of their motion for summary judgment filed herewith, Defendants submit this statement of material facts as to which there is no genuine issue to be tried:

1. On May 8, 2011, Anthony Westbrook was arrested and booked into the Saline County jail. *ADR (Exhibit A); Amended Complaint (Doc. 12), para. 17.*
2. While standing at the counter in the booking area, Mr. Westbrook removed papers. *Deposition of Anthony Westbrook (Exhibit B), p. 32.*
3. The papers Mr. Westbrook had removed were found in the bathroom. *Affidavit of Stephen McCloud (Exhibit C).*
4. Mr. Westbrook was placed in a restraint chair because he had begun screaming and would not calm down. *Deposition of Calvin Reed (Exhibit D), p. 14.*
5. After a period of time in the chair, Mr. Westbrook was placed in a cell. *Affidavit of Stephen McCloud (Exhibit C).*
6. Mr. Westbrook was released the next day, May 9, 2011. *Inmate Release Sheet (Exhibit E).*

7. Mr. Westbrook was kept in the restraint chair for approximately 45 minutes. *Affidavit of Calvin T. Reed (Exhibit F)*.

8. Mr. Westbrook alleges that he sustained an assault and battery on May 8, 2011, by Defendant Reed. *Amended Complaint (Doc. 12), para. 18*.

9. This cause of action was originally filed in Saline County Circuit Court on July 11, 2013, and removed to U.S. District Court on July 19, 2013. *Original Complaint (Doc. 2); Notice of Removal (Doc. 1)*.

/s/ George D. Ellis  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of May, 2014, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to all parties in interest.

/s/ George D. Ellis  
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GEORGE D. ELLIS